



October 31, 2003

Jacqueline Glassman, Esq.
Chief Counsel
National Highway Traffic Safety Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Re: Docket No. NHTSA 03-15651
Federal Motor Vehicle Safety Standard 108: Lamps, Reflective Devices
and Associated Equipment

Dear Ms. Glassman:

This letter responds to NHTSA's request for comment on two proposed interpretations regarding FMVSS No. 108.

American Products Company (APC), of Corona, California, is an importer of specialty lighting equipment for motor vehicles. Most of APC's motor vehicle lighting products are sold as aftermarket replacement lights.

Over the past eighteen months and more, APC has devoted substantial time and resources into an effort to improve its understanding of, and compliance with, FMVSS No. 108. APC has joined the Specialty Equipment Market Association (SEMA); APC is participating in SAE Lighting Task Force meetings; APC has engaged counsel that is experienced with NHTSA issues and APC has retained a testing firm, Calcoast-ITL, that is experienced with evaluating compliance with FMVSS No. 108, to assist it in assuring that APC's products are fully in compliance with the standard.

APC commends NHTSA for seeking public comments on the draft interpretations. NHTSA is correct that both of the draft interpretations have "potentially broad impacts," in that they could introduce serious commercial problems for established businesses that serve the automotive lighting aftermarket business, if they were to be adopted by the agency. APC agrees with the majority of the comments already filed in this docket, which indicate that the proposed interpretations are too design restrictive.

APC understands that interpretations of regulatory requirements provide useful guidance to the regulated industry when they explain the meaning of existing, specified requirements in the vehicle safety standards, but that "interpretations" are not supposed to add new, substantive requirements to published regulations. APC has closely reviewed NHTSA's draft interpretations, and has concluded that they appear to add new, substantive requirements to the published requirements of FMVSS No. 108. S5.8.1 of FMVSS No. 108 specifies that replacement lighting equipment "shall be designed to conform to this standard." APC supports this requirement, and understands it to mean that replacement lighting equipment must meet the substantive photometric and other requirements of FMVSS No. 108. However, the proposed interpretations would add an additional requirement, mandating that the replacement lighting equipment comply with the FMVSS No. 108 requirements "in the same manner as the original equipment for which the vehicle manufacturer certified compliance." APC is aware that this concept

was introduced in previous letters to Mr. Daniel Watt and Mr. Galen Chen. APC believes that these two interpretation letters should be reconsidered for the same reasons expressed in this letter about the proposed interpretations.

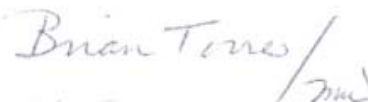
Not only are the proposed interpretations design restrictive in violation of the Safety Act's requirement for performance standards, it would also have the effect of putting many, if not most, specialty lamp manufacturers and imports out of business. The entire reason why there is a market for specialty replacement lamps is the desire of consumers to differentiate their vehicles from others of the same brand name. The goal of differentiation is to install custom equipment that differs from the original vehicle manufacturer's design in some respect. As long as the differentiated design also meets the photometric performance, minimum effective projected luminous lens area, color, and other performance requirements of FMVSS No. 108, there is no language in Standard 108 itself that would prohibit the manufacture and sale of replacement lamps with a differentiated design. Nor should there be any reason to prevent owners from customizing the lighting equipment on their vehicle, as long as the customized replacement lights are in compliance with the substantive requirements of FMVSS No. 108. The proposed interpretations would appear to eliminate the growing market that serves individuals wishing to customize their vehicles with replacement lighting equipment.

With respect to the proposed interpretation that would preclude selling a replacement lamp set that did not include all of the functions of the original equipment being replaced, APC has no objection to an interpretation that would require each replacement lamp set to contain all of the functions of the shipping carton, along with instructions for proper installation of all of the functions. However, APC does not agree that a replacement lamp set should have to incorporate those functions "in the same manner" as the original equipment being replaced, such as the exact location of the reflex reflector on the lamp, or the decision to incorporate the reflex reflector into a combination lamp, rather than provide a separate reflex reflector. Requiring replacement lamp manufacturers to "clone" the design of the original vehicle manufacturers and precluding any "non-clones" from being sold is an unnecessary restriction on the design of replacement lamps and, in the case of replacement equipment for older vehicles, will prevent vehicle owners from upgrading to new, improved lighting technology, such as LED light sources.

APC urges NHTSA to abandon the proposed interpretations, and to reverse the related interpretations previously issued to Messrs. Chen and Watt, which introduced the concept of requiring replacement lighting equipment to be designed to match the original lighting equipment it is intended to replace. Replacement lamp manufacturers should be required to certify compliance with the published, substantive requirements of FMVSS No. 108, but should be free to introduce new design concepts into those lamps, consistent with the photometric and other requirements of the standard.

APC appreciates this opportunity to provide comments on this important issue.

Sincerely,

A handwritten signature in blue ink that reads "Brian Torres" followed by a stylized flourish or initials.

Brian Torres
Executive Vice President

cc: Docket Management Facility
Room PL-401
U.S. DOT Headquarters